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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-07 848

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UNITED STATES OF AMERICA

SEALED AFFIDAVIT IN
SUPPORT OF ARREST WARRANT

- against -

CHRISTOPHER MORIARTY,
also known as
"hbotaxi@yahoo.com,"

M. No. _____
(18 U.S.C. §§ 2252(a)(2))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS.:

ROBERT RAAB, being duly sworn, deposes and says that he is a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

On or about and between January 16, 2006 and June 3, 2007, in the Eastern District of New York and elsewhere, the defendant CHRISTOPHER MORIARTY, also known as "hbotaxi@yahoo.com," did knowingly and intentionally receive visual depictions, which visual depictions had been mailed, shipped and transported in interstate and foreign commerce, and which contained materials which had been mailed and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of minors engaging in sexually explicit conduct and such visual

depictions were of such conduct.

(Title 18, United States Code, Section 2252(a)(2)).

The source of my information and the grounds for my belief are as follows:¹

1. I have been employed as a Special Agent for the Federal Government for approximately 11 years. I have been assigned to the ICE Child Exploitation Group for three years. As part of my duties as an ICE agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2252 and 2252A. I have received training in the area of child pornography and child exploitation and have had the opportunity to observe and review numerous examples of child pornography and minors engaged in sexually explicit conduct (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have gained expertise in the conduct of such investigations through training in seminars, classes, and daily work related to conducting these types of investigations, including the execution of numerous search warrants relating to child exploitation and pornography offenses and subsequent prosecution of offenders. I am also currently assigned to the Department of Justice, Project Safe Childhood Task Force.

¹ Because the purpose of this affidavit is merely to establish probable cause to search, seize and arrest, I have not set forth all of the facts and circumstances concerning this investigation of which I am aware.

2. I am familiar with the facts and circumstances of the instant case based on first-hand observations during the investigation, my review of documentary evidence obtained during the course of this investigation and discussions with other law enforcement agents.

YAHOO!, INC.

3. YAHOO!, Inc. ("Yahoo") is a very popular web portal and web-based e-mail provider. Users provide unverified subscriber information such as name, city and state of residence to open an e-mail account with Yahoo. Other major web-based e-mail providers are Microsoft's Hotmail and Google's Gmail services. Yahoo's website also provides users with numerous other services such as groups for chat and trading, to which users can post messages or files to a user-created web page.

PROJECT FLICKER

4. Project FLICKER is an investigation that was conducted by Immigration and Customs Enforcement (ICE), Cyber Crimes Center (C3), Child Exploitation Section (CES) that focused on a criminal organization that operated a commercial child pornography website. The investigation is being worked jointly by ICE/C3/CES, ICE/RAC/Birmingham, U.S. Postal Inspection Service (USPIS), U.S. Department of Justice (DOJ) Child Exploitation and Obscenity Section (CEOS) and the United States Attorney's Office for the Northern District of Alabama.

5. ICE/C3/CES conducted over 60 undercover transactions, during May and June 2006, at the suspect advertising

websites. These transactions identified approximately 18 members-only websites that offered access to child pornography.

6. The aforementioned transactions also resulted in the identification of a payment website used by the criminal organization to accept payment for access to the commercial child pornography websites. The transactions also identified PayPal accounts that were used to facilitate the membership purchases. These PayPal accounts had specific identifiers that showed purchases into the various members-only websites. Finally, the transactions also identified specific administrative e-mail accounts that were used to distribute access to the members-only websites.

7. Information revealed during Project FLICKER, obtained from the various seized payment and host servers, indicates that an individual identified as CHRISTOPHER MORIARTY, purchased, via the Internet, subscriptions to specific members-only websites offering child pornography for sale on the following dates and following times, on or about October 4, 2006 at approximately 04:02:45 hours Pacific Standard Time ("PST"), on or about October 4, 2006 at approximately 16:03:16 hours PST, on or about October 6, 2006 at approximately 15:45:29 hours PST, on or about October 27, 2006 at approximately 19:41:34 hours PST. The before mentioned members-only websites were found to contain numerous images of child pornography, which were made available for downloading by subscribers of these websites.

8. Information revealed during Project FLICKER,

obtained from the various seized payment and host servers, revealed that the above mentioned websites were subscribed to by a person using the e-mail address hbotaxi@yahoo.com. On June 8, 2007, Yahoo responded to an ICE/USCS Subpoena requesting subscriber information associated, as well as, recent internet protocol ("IP") address logins with the e-mail address of hbotaxi@yahoo.com.

9. Yahoo confirmed that hbotaxi@yahoo.com was registered to a someone using the alias "Mr. Chris" and the location of Brooklyn, New York. Yahoo further confirmed that the hbotaxi@yahoo.com account had been accessed on June 3, 2007 at approximately 18:15:36 hours; Eastern Standard Time ("EST") and at approximately 22:30:53 hours EST. Yahoo confirmed the IP addresses of the before mentioned access times as 71.125.252.225 and 72.68.174.26, respectively. I confirmed that those IP addresses belong to Verizon, Inc.

10. On June 27, 2007, Verizon, Inc. responded to an ICE/USCS Summons requesting subscriber information associated with the above mentioned IP addresses which confirmed that the addresses were issued to Christopher Moriarty at 302 80th Street, Apartment D3, Brooklyn, New York 11209 and further confirmed that CHRISTOPHER MORIARTY is a Verizon Online Customer.

11. On June 27, 2007, I confirmed with the U.S. Postal carrier who is responsible for delivering mail to 302 80th Street, Apartment D3, Brooklyn, New York that CHRISTOPHER MORIARTY presently receives mail at that address.

THE SEARCH OF DEFENDANT'S RESIDENCE

12. On or about July 13, 2007, ICE agents, executed a search warrant issued by the Honorable Lois Bloom, United States Magistrate Judge, at the residence of defendant CHRISTOPHER MORIARTY, also known as "hbotaxi@yahoo.com," 302 80th STREET, APT. D3, BROOKLYN, NY 11209.

13. Inside the residence, law enforcement personnel discovered and seized a laptop computer, a desktop computer and computer peripheral equipment belonging to MORIARTY. A preliminary search of these materials revealed approximately 100 still images and nine video files which appear to depict minors engaged in sexually explicit activity and images of the sexual abuse of children as young as five to seven years old.

8. Included among the computer files recovered from the defendant's laptop computer were the following video files, which appear to have been downloaded onto the defendant's laptop computer hard drive on January 16, 2006, February 12, 2007 and February 16, 2007:

- a. **lsd02-05-02.avi (05:43)**: This video depicts a prepubescent female, approximately between five and eight years old, taking off her shorts and displaying her genitals. The child lies on a sofa and places her legs over her head displaying her genitals;
- b. **26.avi (10:34)**: This video depicts a prepubescent female, approximately between five and eight years old, performing oral sex on an adult male. The adult male then engages in sexual intercourse with the prepubescent female.
- c. **111.wmv (06:20)**: This video depicts a prepubescent female rubbing the penis of an

adult male. The scene then switches to a different prepubescent female engaging in sexual intercourse with an adult male. The next two scenes each depict a prepubescent female rubbing her genitals, then performing oral sex on an adult male.

These video files are available for the Court's review.

9. The defendant CHRISTOPHER MORIARTY was present at the residence at the time of the search warrant execution. When the defendant answered the door, he was observed by agents to be wearing an "HBO Taxicab Confessions" t-shirt, advertising the cable television program. The agents also observed a framed poster of an advertisement for "HBO Taxicab Confessions" on the defendant's living room wall. The defendant was observed by agents to live alone in the apartment.

10. During the execution of the search warrant, the defendant CHRISTOPHER MORIARTY, admitted in sum and substance, that the above mentioned laptop and desktop computer belonged to him, and that he was the only person with access to the computer. The defendant admitted that "hbotaxi@yahoo.com," is his e-mail address and that he is the only person who has access to the account. The defendant further admitted that any child pornography found on the computers were downloaded by him. The defendant stated in sum and substance, that he preferred viewing pornographic images of girls of approximately 13 to 14 years of age who pose nude, as opposed to viewing images of children engaged in sex acts. The defendant also stated that he appeared in the "HBO Taxicab Confessions" program and that he has been employed by HBO as a "contractor".

WHEREFORE, Your Affiant respectfully requests that the


Court issue an arrest warrant for the defendant CHRISTOPHER MORIARTY, also known as "hbotaxi@yahoo.com," so that he may be dealt with according to law.

Because this is an ongoing investigation and there is a risk of flight, Your Affiant respectfully requests that this Affidavit be filed under seal.



ROBERT RAAB
ICE Special Agent

Sworn to before me this
27th day of July, 2007



M. LEVY
JUDGE
NEW YORK